

**PART 1922—INVESTIGATIONAL
HEARINGS UNDER SECTION 41
OF THE LONGSHOREMEN'S AND
HARBOR WORKERS' COMPENSA-
TION ACT**

Sec.

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AUTHORITY: Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); 5 U.S.C. 301.

SOURCE: 27 FR 4168, May 2, 1962, unless otherwise noted. Redesignated at 28 FR 7909, Aug. 2, 1963, and further redesignated at 36 FR 25232, Dec. 30, 1971.

§ 1922.1 Definitions.

(a) *Act* means the Longshoremen's and Harbor Workers' Compensation Act.

(b) *Board* means the Board of Investigation.

(c) *Administration* means the Occupational Safety and Health Administration.

(d) *Assistant Secretary* means the Assistant Secretary for Occupational Safety and Health.

(e) *Injury* means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury.

§ 1922.2 Purpose and scope.

Whenever any serious injury results from the employments covered by the Act or whenever it is otherwise appropriate, the Assistant Secretary may appoint a Board of Investigation to hold an investigational hearing during the course of any investigation made under section 41 of the Act. This part prescribes the manner in which any investigational hearings shall be conducted. This part does not apply to any adjudicative proceedings held under section 41(b)(5) of the Act.

§ 1922.3 Composition of the Board.

The Board shall be composed of three members appointed by the Assistant

Secretary, one of whom shall be designated as Chairman. All members shall be employees of the United States Department of Labor, and shall have experience in the field of maritime safety.

§ 1922.4 Responsibilities of the Board; voting.

(a) *Determinations and recommendations.* To the extent possible, the Board shall determine the facts, conditions, and circumstances relating to any injury or condition which is the subject of investigation, the probable cause thereof, and shall recommend measures which will provide the best means of preventing future injuries or conditions of similar character. The determinations and recommendations shall be made after hearing such witnesses and receiving such documents and other data relating to the subject or subjects of investigation as may be found available as a result of preliminary investigation.

(b) *Report.* Upon completion of the investigational hearing, the Board shall file a report of its investigation with the Assistant Secretary. The report shall contain the determinations and recommendations required under paragraph (a) of this section. Any member may file a separate report in order to express determinations, recommendations, or reasons for determinations or recommendations which differ from those of a majority of the Board.

(c) *Voting.* Actions of the Board, including the determinations and recommendations required under paragraph (a) of this section, shall require a vote of a majority of its members.

§ 1922.5 Notice of investigational hearings.

The Chairman of the Board shall give reasonable notice of the time and place of any investigational hearing to any person whose conduct is or may be pertinent to the subjects of investigation; to any prospective witnesses; and to any Federal or State agency engaged in similar investigative work.

§ 1922.6 Investigational hearings.

The Chairman shall regulate the course of the hearing; dispose of procedural requests, objections, and related